

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ISAAC MITCHELL,)	
)	Civil Action No. 06 - 409
Plaintiff,)	
)	Judge Terrence F. McVerry
v.)	
)	
DR. STANLEY FALOR, <i>Medical</i>)	
<i>Director</i> ; DIANE MANSON, HCA;)	
JOHN MCANANY, RNS; SHIRLEY)	
HICKMAN, <i>Physician Assistant</i> ;)	
NANCY ZEIGLER, <i>Physician's</i>)	
<i>Assistant</i> ; LOUIS FOLINO,)	
<i>Superintendent</i> ; DIANE THOMAS,)	
<i>Administrative Officer</i> ; DAN)	
DAVIS, <i>Acting Grievance</i>)	
<i>Coordinator</i> ; SHARON BURKS,)	
<i>Chief Hearing Director</i> ; JEFFREY)	
BEARD, <i>Secretary of</i>)	
<i>Corrections</i> ; BRANDA MARTIN,)	
<i>Capital Case Unit Manager</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on January 12, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on August 21, 2007 (doc. no. 35), recommended that the Partial Motion to Dismiss filed by the Pennsylvania Department of Corrections

Defendants (doc. no. 27) be granted, that the Motion to Dismiss filed by the Medical Defendants (doc. no. 29) be granted, and that Plaintiff's Complaint be dismissed in its entirety in accordance with the screening provisions of the PLRA. The parties were notified that objections to the Report and Recommendation were due by September 7, 2007. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation the following order is entered:

AND NOW, this 18th day of September, 2007;

IT IS HEREBY ORDERED that the Partial Motion to Dismiss filed by the Pennsylvania Department of Corrections Defendants (doc. no. 27) is **GRANTED**, that the Motion to Dismiss filed by the Medical Defendants (doc. no. 29) is **GRANTED**, and that Plaintiff's Complaint is **DISMISSED** in its entirety in accordance with the screening provisions of the PLRA.

IT IS FURTHER ORDERED that the Report and Recommendation dated August 21, 2007, (doc. no. 35) of Magistrate Judge Lenihan is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Isaac Mitchell
EG-7580
175 Progress Drive
SCI Greene
Waynesburg, PA 15370